

**FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS
COMPLAINT UNDER 42 U.S.C. §1983 OR 28 U.S.C. 1331**

COPY

COVER SHEET

1:CV01-1220

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

The cost for filing a civil rights complaint is \$150.00.

If you do not have sufficient funds to pay the full filing fee of \$150.00 you need permission to proceed *in forma pauperis*. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.

1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of court along with the full filing fee of \$150.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you DO NOT have to complete the rest of the forms in this packet. **Check here if you are submitting the filing fee with the complaint form.** ☐
2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. §1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. **Check here if you are filing your complaint under 28 U.S.C. §1915 without full prepayment of fees.** ☒

Please Note: If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

99P1603

(Inmate Number)

CLYDE M. FERGUSON

(Name of Plaintiff)

101 South Second Street, Apt. 912

Harrisburg, PA 17101

(Address of Plaintiff)

vs.

WARDEN ROBERT A RAIGER

CAPTAIN ROBERT J. KARNES

(Names of Defendants)

1 : CV01-1220

(Case Number)

COMPLAINT**FILED**
SCRANTON

JUN 29 2001

PER

DEPUTY CLERK

TO BE FILED UNDER: ☒ 42 U.S.C. §1983 – STATE OFFICIALS
☐ 28 U.S.C. §1331 – FEDERAL OFFICIALS

I. Previous Lawsuits **N/A**

- A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

II. Exhaustion of Administrative Remedies

- A. Is there a grievance procedure available at your institution?

☒ Yes ☐ No

- B. Have you filed a grievance concerning the facts relating to this complaint?

☒ Yes ☐ No

If your answer is no, explain why not

- C. Is the grievance process completed? ☒ Yes ☐ No

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position on the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

- A. Defendant **Robert A. Raiger** is employed as **WARDEN** at **Lebanon County Prison**.
- B. Additional defendants: **Robert J. Karnes, CAPTAIN OF SECURITY** of **Lebanon County Prison**.

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. In Lebanon County Prison on the work release unit, there exist a group of inmates that consider themselves as a "committee". The committee are inmates who have been incarcerated in the prison for a long period of time, and therefore establish rules and regulations that any new inmates have to follow by. These rules and regulations are their personal requirements that specify, what an inmate can or cannot do in order to remain on the work release status.
2. I was placed on work release on November 8, 1999. Approximately after December 10th, committee members began to confront me with threats of abiding by their rules, i.e. they wanted inmates to pay for cleaning the living quarters and they were not pleased with the fact that I worked a different shift than they worked. This committee was extorting other inmates and using drugs in the prison facility. It was expressed that they had a contract with prison guards to allow them to get away with their violations of prison rules.
3. I was totally against abiding by any rules except those established by Lebanon County Prison. On January 31, 2000, I wrote a request to **Captain Robert J. Karnes**, explaining the situation about the committee.
4. Attached is a copy of the letter I wrote to an outside legal person explaining the incident as it Occurred. Also attached is a copy of the inmate request form I sent to **Captain Robert J. Karnes**. Although Captain Karnes responded (on the back of the request form) that I be "specific about my situation and circumstances", he is very well aware that to put down names of other inmates in a situation like this, would only have put me in further danger of my welfare in the work release unit. **Captain Karnes** could have and should have at least came to speak with me and at that time, I could have and would have given him the names of the committee persons.
5. On March 5, 2000, I wrote an inmate request form to the **Warden**. The Warden never responded. However, on March 6, 2000, the Warden came to see me in person and I explained my complaint. The Warden agreed that they were at fault. A copy of this request is also attached.

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CLYDE M. FERGUSON
(Plaintiff)

v.

Robert A. Raiger, Warden
Robert J. Karnes, Captain of Security
(Defendants)

AFFIDAVIT/DECLARATION
IN SUPPORT OF REQUEST
TO PROCEED
IN FORMA PAUPERIS

I, CLYDE M. FERGUSON, certify that I am the plaintiff in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress.

I further state that the responses which I have made to questions and instructions below are true and correct.

1. Are you presently employed? Yes _____ No x
- a. If the answer is yes, state the amount of your salary or wages per month, and give the name and address of your employer.
- _____
- b. If the answer is no, state the date of last employment and the amount of the salary and wages per month which you received.

March 14, 2000 – 7.50 per hour (\$1,200 gross per month)

2. Have you received within the past twelve months any money from any of the following sources?

- | | | |
|---|-----------|-----------------|
| a. Business, profession or form of self-employment? | Yes _____ | No <u> x </u> |
| b. Rent payments, interest or dividends? | Yes _____ | No <u> x </u> |
| c. Pensions, annuities or life insurance payments? | Yes _____ | No <u> x </u> |
| d. Gifts or inheritances? | Yes _____ | No <u> x </u> |
| e. Any other sources? | Yes _____ | No <u> x </u> |

If the answer to any of the above is yes, describe each source of money and state the amount received from each during the past twelve months.

3. Do you own any cash, or do you have money in a checking or savings account?
Yes _____ No x (Include any funds in prison accounts.)

If the answer is yes, state the amount of cash or the present balance in any account.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property, excluding ordinary household furnishings and clothing? Yes _____ No x

If the answer is yes, describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

| | | |
|------------------------|----------|---|
| Children: Taren Weadon | Son | (Pending domestic relation hearing 3/28/00) |
| Marcel Ferguson | Son | (80.00 a week) |
| Derrick Ferguson | Son | (50.00 a week) |
| Crystal Hills | Daughter | (Pending domestic relation hearing) |

I understand that a false statement or answer to any questions in this affidavit/unsworn declaration will subject me to penalties for perjury.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

11/4/00

Date

Clyde M. Ferguson
Signature of Plaintiff

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. I request that the courts investigate this matter for negligence, in the sense that Captain Karnes had a responsibility, as the person designated to maintain the security of the prison, to investigate my request that my life was being threatened. The Warden had a responsibility to, at least review the request I sent him regarding the complaint of negligence. Both of these defendants neglected to fulfill their responsibility as prison officials, to protect the civil rights of all inmates.

It is my request that the court find that the defendants were negligent in their duties as a prison official.

Signed this 1 day of AA April, 2000.

Clyde M. Ferguson
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

4/1/00
(Date)

Clyde M. Ferguson
(Signature of Plaintiff)

in 1997 I sent him a letter with the word "Nita" As of right now I'm sending you this Request slip it shows when I wrote to the Captain, it is in front of me and I want to be back down to the point to the 7th floor.

Brief: I wrote to Captain Kaenes on 1/31/00 explaining to him the situation and what I wanted to do. The request slip was so-called sealed in an envelope and delivered to Capt Kaenes. Two days later I received the request back in a sealed envelope, and at this time I feel as though every thing had been ignored, because of his response, I don't see how much clear I need to be if I say someone threaten my life and I would like to press charges.

I think I was totally explaining the situation. On the 6th of Feb, 00, One Person that where involved in the fight sat down with another member of the committee and in minutes approached me. At this point I was sucker punched on camera, I then retaliated by slamming him over the wall and into my quarters where I began punching him in the head, not face head I hurt myself more than I hurt him. He then screamed but for this mother member of this committee get him off so after about 10 minutes ~~he was~~ and was pulled off the top of him, I ~~still~~ still did not come down so I went in to day room in camera view and smacked him in the face that he ran so I smacked him in the head with a chair splitting his

head open. At this point and time I feel no pain but what made me so mad was he hit me with a fist and tried to back out of the fight, plus he pushed his thumb down near threw my I to get me off of him it didnt work.

Now at the same time hes crying about staying
on work release, I think he should have thought about
that first, At this time I start going up the steps
to the guard and the member of the committe says
will both get kicked of work release. ~~and I wanted~~
~~to go to the day room~~ Before I could
turn around to return to the day room a guard
came down the steps and seen this guy bleeding from
his head, this guard never made him seek medical or
say anything to my knowledge, My understanding was
he called another comitt meber over and ask was
it over, I told this member no then said yes and
went to sleep the next morning my intire retina
was rose red and could not take any ~~the~~ light with
out causing me head aches, I waited 24 hr on a major
misconduct then not recieving it I ask to go to VA
for medical attention, were I spent 7 hr taking Ex-Rays
I eye test and given medication for eye and head aches
Also cause me a day of work using a fuda sorta so I
mon too big life ~~to~~ I think what I need the
help I wrote to the warden after we talked. I so much
I so use it out that out 2/18/00 had some
what I think is a hard job I and I have

T10

PIN 99901803

BLOCK OUT-MATE

CELL

15-5

DATE

3-5-00

Form LCCF 81889-B

LEBANON COUNTY CORRECTIONAL FACILITY

730 EAST WALNUT STREET

LEBANON, PENNA. 17042

INMATE REQUEST FORMTO: THE WardenFROM: Clyde M Ferguson

REQUEST:

This is regarding my complaint of Negligence that I filed. As of today I have heard nothing from you. And I have requested copies of my request to you and it seems its always they do not answer so I am proceeding legally. This request is to the warden and I want to file my case against the warden and let you know that I am proceeding with the inmate signature which I to person with no other way to proceed.

Reply:

Approved: _____

Date: _____

Disapproved: _____

Reason: _____

Staff Member answering Inmate Request: _____

Copy 1

requested. Now I am proceeding with my legal rights, and sending a copy of this request to my legal advisor & attorney for further legal litigation. My 1983 will be filed as soon as possible. As soon as my letter reaches my legal team

Clyde M Ferguson

3/6/00

THE WARDEN CAME TO SEE ME PERSONALLY I explained the situation AND HE AGREED THAT THEY WERE AT FAULT AND THAT I SHOULD SEE THEM.

HE IS SAYING THEY ARE UNDER STAFFED AND THE COUNTY WON'T GIVE THEM MORE FUNDS FOR MORE GUARDS SO THINGS LIKE THIS WILL HAPPEN

TIO 28119
PIN 990-1603

Form LCCF 81889-B

BLOCK DUT-mte LEBANON COUNTY CORRECTIONAL FACILITY
CELL 15-5 730 EAST WALNUT STREET
DATE 1-31-00 LEBANON, PENNA. 17042

INMATE REQUEST FORM

TO: Captain Barnes
FROM: Clade M Feckelson

REQUEST: To have a investigation on a member of a committee
that has formed to enforce their rules and regulations, and threats
of death or life threatening, it was threaten and refuse to be moved because
of their imposed rules, and threats, I'm a
prisoner and the only rules I should have to follow
are the ones set forth by the institution, I have will be given if
necessary, or when needed, I do want to press charges on this
committee member to the fullest, or have him removed to deatunt
this committee
Inmate Signature
Approved: _____ Date: _____

Disapproved: _____

Reason: _____

Staff Member answering Inmate Request: _____

ROBERT J KARNES
CAPTAIN OF SECURITY 1/31/00

Be specific about your situation and the
circumstances that require "pressing changes".